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10/726,808	12/02/2003	Luis Elenes	200309860-1	4114

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FORT COLLINS, CO 80527-2400

EXAMINER
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SEVERSON, JEREMY R

ART UNIT	PAPER NUMBER
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3653

NOTIFICATION DATE	DELIVERY MODE
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03/18/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/726,808	<b>Applicant(s)</b> ELENES, LUIS	
	<b>Examiner</b> JEREMY R. SEVERSON	<b>Art Unit</b> 3653	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,13,17-20,24 and 28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24 is/are allowed.
- 6) ☒ Claim(s) 1,3-6,13,17-20,24 and 28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3-5, 13, 17 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Tokunaga (US 7,243,914).

Re claim 1, Tokunaga discloses a method of processing sheet media, comprising: moving a sheet medium 2 upward by contact of a face of the sheet medium with a roller 25 rotating about an axis of rotation; and carrying a trailing edge of the sheet medium upward and then over the roller with a member 21, wherein the member includes a body 21b, and at least one finger 21a projecting from the body, wherein the member is connected to the roller such that the finger completely orbits the axis of rotation along a circular path, wherein the finger has a distal tip 21e that is spaced farthest from the body, wherein the finger has a undeflected configuration that defines a central axis extending away from the body to the distal tip along a nonlinear path, and

wherein the moving includes rotating the roller in a first direction and deflecting the finger in a second direction opposite to the first direction. See fig. 6.

Re claim 3, Tokunaga discloses the method of claim 1, wherein the carrying includes engaging the trailing edge with the finger. See fig. 6.

Re claim 4, Tokunaga discloses the method of claim 1, wherein the carrying a trailing edge further comprises carrying the trailing edge of the sheet medium through about 90 to about 180 degrees of a circular path. The trailing edge is carried though at least 90 degrees, as shown in fig. 6.

Re claim 5, Tokunaga discloses the method of claim 1, further comprising spacing the trailing edge from the roller using gravity after carrying. Sheets 2 fall on tray 11.

Re claim 13, Tokunaga discloses a media processing apparatus, comprising: a rotatable member 21; and at least one resilient finger 21a having an exterior surface with opposing convex and concave sides and connected to the rotatable member, the at least one finger configured to engage a trailing edge of a sheet medium 2 and lift the trailing edge upward and over the rotatable member as the rotatable member rotates, wherein the rotatable member is configured to rotate in a direction, and wherein the at least one resilient finger is configured to bend opposite to the direction and toward the concave side upon contact with a face of the sheet medium, wherein the at least one resilient finger is configured to have a retracted position and an extended position, wherein the at least one resilient finger is configured to be placed in the retracted position by contact with a face of the sheet medium and to return to the extended

position when the contact is removed, wherein the rotatable member defines a radius, wherein the at least one resilient finger includes a distal portion 21e configured to be disposed inside the radius in the retracted position and outside the radius in the extended position, and wherein the at least one resilient finger includes a thinned region 21c at which such member bends selectively in response to the contact with the face of the sheet medium.

Re claim 17, Tokunaga discloses the apparatus of claim 13, wherein the at least one resilient finger includes a plurality of spaced resilient fingers. See fig. 5b.

Re claim 20, Tokunaga discloses the apparatus of claim 13, wherein the at least one resilient finger is connected integrally to the rotatable member. See fig. 5b.

Claims 1, 3-5 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Kudo (Jap. Pat. No. 06064814).

Re claim 1, Kudo discloses a method of processing sheet media, comprising: moving a sheet medium 4 upward by contact of a face of the sheet medium with a roller 2 rotating about an axis of rotation; and carrying a trailing edge of the sheet medium upward and then over the roller with a member, wherein the member includes a body 5, and at least one finger 6 projecting from the body, wherein the member is connected to the roller such that the finger completely orbits the axis of rotation along a circular path, wherein the finger has a distal tip 11 that is spaced farthest from the body, wherein the finger has a undeflected configuration that defines a central axis extending away from the body to the distal tip along a nonlinear path, and wherein the moving includes

rotating the roller in a first direction and deflecting the finger in a second direction opposite to the first direction. See fig. 5; finger 6 is shown deflecting.

Re claim 3, Kudo discloses the method of claim 1, wherein the carrying includes engaging the trailing edge with the finger. See fig. 5.

Re claim 4, Kudo discloses the method of claim 1, wherein the carrying a trailing edge further comprises carrying the trailing edge of the sheet medium through about 90 to about 180 degrees of a circular path. The trailing edge is carried though at least 90 degrees, as shown in fig. 5.

Re claim 5, Kudo discloses the method of claim 1, further comprising spacing the trailing edge from the roller using gravity after carrying. Sheets 4 fall on tray 3.

Re claim 28, Kudo discloses a method of processing sheet media, comprising: moving a sheet medium 4 upward by contact of a face of the sheet medium 4 with a roller 2 rotating about an axis of rotation; carrying a trailing edge of the sheet medium upward and then over the roller with a member including a body 5 and at least one finger 6 projecting from the body; and spacing the trailing edge from the roller using gravity after carrying, wherein the member is connected to the roller such that the finger completely orbits the axis of rotation along a circular path, wherein the finger has a distal tip that is spaced farthest from the axis of rotation, and wherein the finger has an unbiased configuration in which the finger extends away from the body to the distal tip in an undivided fashion along a nonlinear path.

Claims 13, 17 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Sato (US 6,666,448).

Re claim 13, Sato discloses a media processing apparatus, comprising: a rotatable member (attached to elements 26); and at least one resilient finger 26 having an exterior surface with opposing convex (outer part of loop) and concave sides (inner part of loop) and connected to the rotatable member, the at least one finger configured to engage a trailing edge of a sheet medium and lift the trailing edge upward and over the rotatable member as the rotatable member rotates, wherein the rotatable member is configured to rotate in a direction, and wherein the at least one resilient finger is configured to bend opposite to the direction and toward the concave side upon contact with a face of the sheet medium, wherein the at least one resilient finger is configured to have a retracted position and an extended position, wherein the at least one resilient finger is configured to be placed in the retracted position by contact with a face of the sheet medium and to return to the extended position when the contact is removed, wherein the rotatable member defines a radius, wherein the at least one resilient finger includes a distal portion configured to be disposed inside the radius in the retracted position and outside the radius in the extended position, and wherein the at least one resilient finger includes a thinned region at which such member bends selectively in response to the contact with the face of the sheet medium.

Re claim 17, Sato discloses the apparatus of claim 13, wherein the at least one resilient finger includes a plurality of spaced resilient fingers 26a–c.

Re claim 20, Sato discloses the apparatus of claim 13, wherein the at least one resilient finger is connected integrally to the rotatable member. See fig. 3.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kudo in view of Nicol (US 3,704,793).

Kudo discloses everything except Kudo does not explicitly disclose comprising placing colorant on the sheet medium before the carrying. Rather, Kudo discloses use with thermosensitive paper. Nicol teaches placing colorant on the sheet medium before the carrying, in order to convey information. See Nicol, col. 1. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to place colorant on the sheets of Kudo instead of using thermosensitive paper, in order to convey information.

Claims 6, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tokunaga.

Tokunaga discloses everything except Tokunaga does not explicitly disclose comprising placing colorant on the sheet medium before the carrying. Tokunaga discloses using bills as the sheet medium. The examiner takes official notice that bills are commonly made by placing colorant on the sheet medium. Therefore, it would have been obvious to place colorant on the sheet medium before the carrying, in order to create bills.

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nicol (US 3,704,793) in view of Sato.

Re claims 18 and 19, Nicol discloses a sheet stacking device that comprises placing colorant on the sheets before stacking. Col. 1, lines 9-10. Nicol lacks the disclosure of carrying the sheets over the rollers using members in the manner claimed. Sato teaches such a method and apparatus, in order that the sheets not interfere with each other. See Sato, abstract. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to add the stacking system of Sato to the apparatus of Nicol, in order that the sheets not interfere with each other.

***Allowable Subject Matter***

Claim 24 is allowed.

***Response to Arguments***

The rejections of claims 1, 3-6, 24 and 28 as being anticipated by Sato are withdrawn in view of Applicant's arguments. Note, however, the new grounds of rejection on some of the claims, necessitated by Applicant's amendment.

Regarding claims 13 and 17-20, Applicant argues that Sato does not disclose a "finger having an exterior surface with opposing convex and concave sides. The examiner respectfully disagrees. The inner surface of the loop is still an exterior surface, as it is exposed.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JEREMY R. SEVERSON whose telephone number is (571)272-2209. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey, can be reached on 571-272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeremy R Severson/  
Examiner, Art Unit 3653

/Patrick H. Mackey/  
Supervisory Patent Examiner, Art  
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